

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:14-CR-9-F-1

UNITED STATES OF AMERICA

vs.

ELLIS LEON GIBBS, JR.,

Defendant.

**ORDER**

Before the court is the Government's Consent Motion to Lift Stay and Set Arraignment and Trial. [DE 30]. On August 27, 2015, the court stayed all proceedings in this case pending the Fourth Circuit's rulings in *United States v. Bryan Daniels* (Case No. 4:14-CR-11-F), *United States v. Stephen Daniels* (Case No. 2:15-CR-4-F), *United States v. Michael Potter* (Case No. 2:15-CR-6-F), and *United States v. Gaston Saunders* (Case No. 4:14-CR-8-F). [DE 29]. The Fourth Circuit recently issued its mandate in each of those matters.

The Government requests that Defendant's arraignment and trial date be set for the January 23, 2017 term of court. The Government advises that the parties need additional time to negotiate a potential resolution of the case, and if negotiations prove unsuccessful, to prepare for trial in light of the unusual and complex nature of the prosecution, taking into account the exercise of due diligence by both sides.

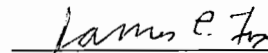
For good cause shown, the motion is ALLOWED. All pretrial motions, including motions to compel discovery, motions to suppress, and motions under Rule 7, 8, 12, 13, 14, 16, and 41, Fed. R. Crim. P., shall be filed no later than **November 21, 2016**. Responses thereto shall be filed no later than **December 5, 2016**. Defendant's arraignment and trial date is

continued to the **January 23, 2017** term of court.

For the reasons stated above, the court finds that the ends of justice served by granting this continuance outweigh the best interests of the public and defendant in a speedy trial. Accordingly, the period of delay necessitated by this continuance is excluded from the speedy trial computation pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED.

This the 8th day of August, 2016.

  
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**JAMES C. FOX**  
Senior United States District Judge